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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,015	04/10/2001	Nancy J. Woolf	NJW-1	9668

27157 7590 09/25/2002
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EXAMINER

TURNER, SHARON L

ART UNIT PAPER NUMBER

1647

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a method for treating Alzheimer's disease comprising administering to a human patient an antagonist of a neurotransmitter receptor, classification dependent upon antagonist structure.
 - II. Claims 10-14 and 19 (each in part), drawn to an implanted device with means of delivering a compound to a patient, classified in class 604, subclass 890.1, for example.
 - III. Claims 10 and 15-18 (each in part), drawn to a device which is comprised of an implantable sensor, classified in class 604, subclass 890.1, for example.
2. The inventions are distinct, each from the other because of the following reasons:
3. Although there are no provisions under the section for "Relationship of Inventions" in M.P.E.P. § 806.05 for inventive groups that are directed to different products, restriction is deemed to be proper because these products constitute patentably distinct inventions for the following reasons. Inventions II and III are directed to products that are distinct both physically and functionally, are not required one for the other, and are therefore patentably distinct. The implanted delivery device of Invention II is independent and distinct from the sensor of Invention III because it is not required to make or use the device of Invention II. The implanted sensor of Invention III is independent and distinct from the delivery device of Invention II because it is not required to make or use the sensor of Invention III.

Art Unit: 1647

4. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the device of Invention II could be used to deliver insulin into the blood stream.

5. Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the sensor of Invention III could be used to measure neurotransmitters in an animal model for neuroscience experiments.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, separate search requirements, and/or different classification, restriction for examination purposes as indicated is proper.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 1647

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Turner whose telephone number is (703) 308-0056. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN
September 19, 2002

Gary D. Kunz
GARY KUNZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600